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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,803	07/30/1999	ALAN R. BAUER	PGR20003	9900

7590 02/11/2004

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,803

Applicant(s)

BAUER ET AL.

Examiner

Luke Gilligan

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klu

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 11/17/03 in paper number 19, the following has occurred: claim 13 has been amended. Now, claims 1-72 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al., U.S. Patent No. 4,831,526 in view of Hargrove, Jr. et al., U.S. Patent No. 5,897,619.
4. Claims 1-24 are rejected for the same reasons as set forth in the prior office Action incorporated herein by reference (see non-final Rejection mailed 8/14/03, paper number 18).
5. Claims 25-27, 29-33, 35-63, 65-69, and 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al., U.S. Patent No. 4,831,526 in view of Hargrove, U.S. Patent No. 5,897,619 and further in view of Business Wire, **Electric Insurance Joins Intuit's Quicken InsureMarket Offering Online Auto Policies in 6 States.**
6. Claims 25-27, 29-33, 35-63, 65-69, and 71-72 are rejected for the same reasons as set forth in the prior office Action incorporated herein by reference (see non-final Rejection mailed 8/14/03, paper number 18).
7. Claims 28, 34, 64, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al., U.S. Patent No. 4,831,526, Hargrove, U.S. Patent No. 5,897,619, and

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Business Wire, **Electric Insurance Joins Intuit's Quicken InsureMarket Offering Online Auto Policies in 6 States** and further in view of Pescitelli et al., U.S. Patent No. 5,845,256.

8. Claims 28, 34, 64, and 70 are rejected for the same reasons as set forth in the prior office Action incorporated herein by reference (see non-final Rejection mailed 8/14/03, paper number 18).

Response to Arguments

9. In the remarks filed 11/17/03 in paper number 19, Applicants argue in substance that (1) in Luchs, there is no direct communication from the policyholder to the system; (2) in Hargrove, the farmer cannot directly communicate with the system; (3) both Luchs and Hargrove require a customer service representative or agent to effect any change within a policy; (4) the Electronic Insurance reference does not teach any policy servicing functionality.

10. In response to Applicants' argument (1), the Examiner maintains that communication from a policyholder, through an agent, to the system is a form of "direct communication" from the policyholder to the system. While the Examiner acknowledges and appreciates Applicants' intent to permit a policyholder to communicate with a system without any assistance from an insurance agent, it is respectfully submitted that the type of communication described by Luchs is ~~not~~ within the scope of "direct communication" as recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. In response to Applicants' arguments (2) and (3), the Examiner respectfully submits that the farmer can directly communicate with the system in the manner described with respect to Luchs. However, the Examiner has not relied upon the teachings of Hargrove for this particular limitation. Rather, the Examiner has relied upon Hargrove to teach the feature of "generating in

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real-time and without involvement of a customer service representative or agent an adjustment in the policy.” Therefore, while the Examiner acknowledges that Luchs requires a customer service representative or agent to cause a change within a policy, the Examiner maintains that Hargrove does not require a customer service representative or agent to cause a change within a policy by utilizing a lookup table of rules and regulations for issuing a policy. In particular, Hargrove states that upon entry of relevant data, the system “automatically identifies the applicable rules, applies the rules to the data entered, and informs the agent/farmer of any discrepancies between field related data and company, state, and/or federal regulations” and “after the system has verified and met all underwriting requirements, the policy can be issued.” (see column 7, lines 2-9 of Hargrove).

12. In response to Applicants’ argument (4), the Examiner respectfully submits that the Electronic Insurance reference has merely been relied upon to teach an interface that allows a policyholder an interface to communicate directly with an insurer, through an Internet online connection, to engage in policy purchase services, not for any actual policy servicing functionality. Moreover, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It respectfully submitted that the combination of references meets all of the limitations as currently recited.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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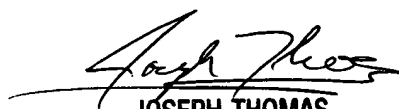
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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